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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,518	07/18/2006	Mario Steinborn	ZAHFRI P874US	4573
20210 7590 12/08/2009 DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301				
EXAMINER				
PRICE, CRAIG JAMES				
ART UNIT		PAPER NUMBER		
3753				
MAIL DATE		DELIVERY MODE		
12/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,518

Applicant(s)

STEINBORN ET AL.

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claims 5, 8 and 10 are pending.

Claim Objections

Applicant's amendment overcomes the claim objection.

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5,8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al (6,467,264) in view of Majneri (2,526,570).

Regarding claims 8 and 10, Stephenson et al. disclose a switch (10) for a vehicle transmission having valves, a plurality of switch cylinders (16,36) each switch cylinder having a first switch chamber and a second switch chamber (18,19,38,39), a plurality of opening valves (21,22,31,32) and a plurality of closing valves (23,24,33,34) a ventilation supply line (near 20) and an exhaust line (near 46).

Stephenson et al. is silent to having a second switch supply line and the four additional valves fluidly connected to the two actuators, where the first switch chamber

and the second switch chamber of each switch cylinder are each connected to the first switch cylinder supply line through a corresponding one of opening valves and to the second switch supply line through a corresponding one of the closing valves, and a first additional valve connected between the ventilation supply line and the first switch cylinder supply line, a second additional valve connected between the ventilation supply line and the second switch supply line, a third additional valve connected between the exhaust line and the first switch cylinder supply line, and a fourth additional valve connected between the exhaust line and the second switch supply line whereby the connections between one of the first switch cylinder supply line and the second switch supply line and the ventilation supply line and the exhaust line through the first, second, third and fourth additional valves may be selectively swapped, and whereby a function of an opening valve and a function of a corresponding closing valve may be selectively exchanged.

Majneri discloses a hydraulic system which teaches the use of a second switch supply line (51,53) and the four additional valves (31,37,34,40) fluidly connected to the two actuators.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a second switch supply line and the four additional valves fluidly connected to the two actuators as taught by Majneri into the system of Stephenson et al. to have the first switch chamber and the second switch chamber of each switch cylinder are each connected to the first switch cylinder supply line through a corresponding one of opening valves and to the second switch supply line through a

corresponding one of the closing valves, and a first additional valve connected between the ventilation supply line and the first switch cylinder supply line, a second additional valve connected between the ventilation supply line and the second switch supply line, a third additional valve connected between the exhaust line and the first switch cylinder supply line, and a fourth additional valve connected between the exhaust line and the second switch supply line whereby the connections between one of the first switch cylinder supply line and the second switch supply line and the ventilation supply line and the exhaust line through the first, second, third and fourth additional valves may be selectively swapped, and whereby a function of an opening valve and a function of a corresponding closing valve may be selectively exchanged, in order to provide for an emergency hydraulic system (Col. 1, Lns. 5-18).

Regarding claim 5, Stephenson et al. disclose that the opening valve and the closing valve are each one of directional valves, proportional valves and a combination of a directional valve and a proportional valve (Col. 3, Lns. 40-44).

Response to Arguments

Applicant's arguments with respect to claims 5,8 and 10 have been considered but are moot in view of the new ground(s) of rejection. Regarding applicant's remarks as they may apply to the above, Majneri is relied on to show the use of two supply lines which utilize four solenoids to supply and exhaust the two actuators for a fluid system, which when combined with Stephenson et al. overcomes the newly amended limitations regarding the two switch supply lines.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 8AM - 4:30PM Mon-Fri, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP 1 December 2009
/C. P./Examiner, Art Unit 3753

/John Rivell/
Primary Examiner, Art Unit 3753